

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARCO ANTONIO DIAZ,**

**Plaintiff,**

**v.**

**2:23-cv-1061-DHU-KK**

**LEE DUDEK, Acting Commissioner  
of the Social Security Administration,<sup>1</sup>**

**Defendant.**

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on United States Magistrate Judge Kirtan Khalsa’s Proposed Findings and Recommended Disposition (Doc. 29), filed February 3, 2025. The parties have not filed any objections. The Tenth Circuit has held “that a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The failure to make timely objections to the Magistrate Judge’s Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *Id.* at 1059.

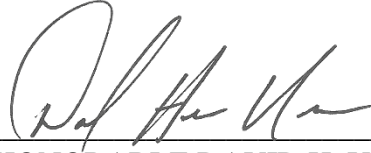
**IT IS THEREFORE ORDERED** that the Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 29) are adopted.

**IT IS FURTHER ORDERED** that Plaintiff’s Memorandum of Law (Doc. 17) seeking reversal and remand of the final decision of the Commissioner of the Social Security

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<sup>1</sup> Lee Dudek was appointed as the Acting Commissioner of Social Security on or about February 19, 2025, and is automatically substituted as a party under 42 U.S.C. § 405(g) and Federal Rule of Civil Procedure 25(d).

Administration is **GRANTED**, the Commissioner's final decision is **REVERSED**, and this matter is **REMANDED** to the Commissioner for further proceedings in accordance with the Magistrate Judge's Proposed Findings and Recommended Disposition and this Order.

A handwritten signature in black ink, appearing to read "David H. Urias", written over a horizontal line.

THE HONORABLE DAVID H. URIAS  
UNITED STATES DISTRICT JUDGE